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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/110,018	07/02/1998	MAKOTO SATOH	35.C12830	4203

5514 7590 07/16/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/110,018

Applicant(s)

SATO ET AL. 

Examiner

Jason T. Whipkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,12,14,16,23,25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,12,14,16,23,25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 21, 2003, has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3, 5, 12, 14, 16, 23, 25, and 27 have been considered but are moot in view of the new ground of rejection.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Note that the Anderson patent (U.S. Patent No. 6,215,523) used in previous Office Actions is not being used in this Office Action. A different Anderson patent (U.S. Patent No. 6,249,316) is used as the new ground of rejection.

6. Claims 1, 3, 5, 12, 14, 16, 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U.S. Patent No. 6,249,316) in view of Yamagata (U.S. Patent No. 5,764,800).

Regarding claims 1, 12, and 23, Anderson discloses a method and system for creating a group of images on a digital camera. As shown in figures 2 and 3, image sensor 224 generates an image signal representing a captured image of object 112 (column 3, lines 17-19).

Internal memory — i.e., DRAM 346 — stores captured image data ("first-resolution image data") after an image signal is produced by image sensor 224 (column 3, lines 3-5). The specific image to be captured is designated by a user capture button 404 (column 4, line 41-42), which inherently produces a capture signal for CPU 344.

CPU 344 controls the operation of camera 110 by running multiple software routines stored in ROM 350 (column 3, lines 36-38 and 52-54). These routines controlled by CPU 344 ("an image processing device") may include "various image processing functions on the image data before storing it in [the] internal memory" of computer 118 in camera 110 (column 3, lines 3-5). Since computer 118 includes DRAM 346 and memory devices require some kind of control, it is inherent that CPU 344 ("a storage control device") causes DRAM 346 to store the processed image signal as image data ("first-resolution image data").

Anderson teaches that, as shown in Figure 4, viewfinder 402 displays thumbnails ("second-resolution image data") produced from a plurality of captured images (column 4, line 66, through column 5, line 5). The thumbnails are inherently produced by CPU 344 and inherently stored in DRAM 346 as described above.

Again, since CPU 344 controls camera 110, it is inherently responsible for controlling viewfinder 402 (acting as "a display control device") and outputting images (acting as "an output device") to removable memory 354.

Removable memory 354 can be a non-volatile device (column 3, lines 55-56). Images marked and saved by a user may be saved into "a folder or directory within the digital camera's DRAM 346 *and/or* removable memory 354" (column 6, lines 5-9) (emphasis added). The presence of "and/or" makes it inherent that images that originally reside on DRAM 346 can be copied to removable memory 354.

Anderson is silent with regard to compressing and encoding image data before storing the data in DRAM 346.

Yamagata discloses an electronic camera (Figure 2) that compresses and encodes captured image data using the JPEG algorithm (column 4, lines 1-3) before storing it in memory (column 3, lines 30-33).

An advantage to compressing and encoding image data is that less storage space is necessary to store data, which is in a standard format. For this reason, it would have been obvious at the time of invention to have Anderson compress and encode captured image data before storing it in memory.

Regarding claims 3, 14, and 25, Anderson teaches that buffers/connector 352 transmits the selected image data to removable memory 354 (column 3, lines 30-31).

Regarding claims 5, 16, and 27, Anderson is silent with regard to compressing and encoding selected image data at a compression ratio different from the predetermined compression ratio and storing this data in a memory.

Yamagata discloses an image data re-compression device. The user uses release button 16 to select an image to be recompressed (column 5, lines 27-33). Image data already stored on IC memory card M in Figure 2 in a low compression mode may be expanded and recompressed at a higher rate (column 5, line 63 through column 6, line 1). The recompressed image data are stored in memory M.

As stated in column 1, lines 39-42, this increases the recording efficiency of the memory. For this reason, it would have been obvious to have Anderson's image capture unit recompress stored images at a rate higher than the rate at which the image was originally stored.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason T. Whipkey, whose telephone number is (703) 305-1819. The examiner can normally be reached Monday through Friday from 9 A.M. to 6:30 P.M. eastern daylight time, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber, can be reached on (703) 305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communication and (703) 872-9315 for After Final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 306-0377.

Response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to the appropriate number above for communications intended for entry. (For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**".)

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Hand-delivered responses should be brought to the sixth floor receptionist of Crystal  
Park II, 2121 Crystal Drive in Arlington, Virginia.

JTW  
JTW

July 10, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600